

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

IN RE: NATIONAL PRESCRIPTION  
OPIATE LITIGATION,

) CASE NO. 1:17-MD-2804

)

) HON. DAN AARON POLSTER

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This document applies to:

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*“All Cases”*

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DEFENDANT H. D. SMITH, LLC’S MOTION FOR LEAVE TO  
FILE DOCUMENTS UNDER SEAL

Defendant H. D. Smith, LLC (“H. D. Smith”), pursuant to Northern District of Ohio Local Rule 5.2, respectfully seeks leave from the Court to submit under seal certain exhibits attached to *H. D. Smith’s Objection to Discovery Ruling No. 14, Part 10 Regarding H. D. Smith Privilege Claims* (“H. D. Smith’s Objection”). A brief Memorandum In Support follows.

MEMORANDUM IN SUPPORT

H. D. Smith’s Objection requests that Discovery Ruling No. 14, Part 10 Regarding H. D. Smith Privilege Claims be reversed. H. D. Smith’s Objection addresses Special Master’s ruling on its claims that the attorney-client privilege and attorney work-product doctrine applies to three documents, two of which H. D. Smith inadvertently produced during Track One discovery and now seeks to claw back. H. D. Smith and the Plaintiffs met and conferred to address the status of these documents but failed to reach agreement. H. D. Smith submitted the disputed documents to the Special Master for *in camera* review. H. D. Smith references these three documents in its Objection and seeks to file the disputed documents, as attachments, under seal. Because these three documents remain disputed as to whether they are subject to either the attorney-client

privilege or work product doctrine, H. D. Smith respectfully requests leave to file these three documents under seal.

Respectfully submitted,

/s/ William E. Padgett

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formerly known as H. D. Smith Wholesale  
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on December 11, 2019, a copy of the foregoing **Motion for Leave to File Documents Under Seal** has been filed electronically using the Court's CM/ECF system and will be served *via* the Court's CM/ECF filing system, which will send notification of such filing to the attorneys of record at their e-mail addresses on file with the Court.

/s/ William E. Padgett

William E. Padgett

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